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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

B.C., et al.,

Petitioners,

v.

THE SUPERIOR COURT OF SANTA
CRUZ COUNTY

Respondent,

SANTA CRUZ COUNTY HUMAN
SERVICES DEPARTMENT,

Real Parties in Interest.

H046573

(Santa Cruz County

Super. Ct. No. 18JU00121)

Petitioners B.C., and M.G. are the mother and father of L.G., who is an infant. Each of the parents has filed petitions for extraordinary writ (Cal. Rules of Court, rule 8.452), in propria persona, seeking relief from the juvenile court's order terminating reunification services and setting a selection and implementation hearing pursuant Welfare and Institutions Code section 366.26¹ with respect to L.G. The Santa Cruz County Human Services Department ("Department"), the real party in interest, urges us to dismiss the writ petitions as procedurally defective.

We deny the writ petitions because they fail to state any grounds upon which the parents are entitled to relief.

¹ All further unspecified statutory references are to the Welfare and Institutions Code.

I. STATEMENT OF THE FACTS AND CASE

On May 21, 2018, the Department filed a juvenile dependency petition on behalf of L.G., who was then a newborn, under section 300, subdivisions (b) (failure to protect) and (j) (abuse of sibling). The court ordered L.G. detained on May 23, 2018.

The petition alleged that Mother abused controlled substances including methamphetamine and marijuana, which placed her newborn son, L.G., at substantial risk of serious physical harm. Mother used methamphetamine and marijuana during her pregnancy with L.G., and tested positive for both amphetamines and marijuana on March 29, 2018, April 19, 2018, and April 26, 2018.

The petition also alleged that Father had a history of possession of controlled substances and felony criminal behavior including participation in a criminal street gang. Father was unwilling to engage in services to address the issues that placed L.G. at substantial risk of physical harm. In addition, Father's parental rights to another child had been terminated due to abuse or neglect.

The jurisdiction/disposition report dated June 18, 2018, stated that L.G. was placed with the maternal grandparents, and requested that L.G. be declared a dependent of the court. The report recommended that the parents be offered family reunification services, and that an interim review hearing be set in three months for consideration of L.G.'s return to Father.

A jurisdiction/disposition hearing was held on June 28, 2018. The juvenile court found all of the allegations in the petition to be true. The court removed L.G. from the parents' custody and declared L.G. to be a dependent of the court. The court ordered the Department to provide reasonable reunification services to the parents. The court also ordered that both parents have visitation with L.G.

The six-month status review report dated November 30, 2018, recommended that all reunification services be terminated and that the court set a selection and implementation hearing pursuant to section 366.26. The report stated that both parents

had made little progress in their sobriety case plans, and that Father continued to participate in criminal activity.

At the hearing on December 20, 2018, the court set a settlement conference and contested review hearing for January 16, 2019. The parties did not reach an agreement during the settlement conference, and the court proceeded with the contested review hearing. (§ 366.21, subd. (e).) Following the hearing, the court terminated reunification services for Mother and Father, and set a selection and implementation hearing pursuant to section 366.26 on April 25, 2019.

On February 13, 2019, Mother and Father each filed a petition for extraordinary writ seeking relief from the juvenile court's order terminating reunification services and setting a selection and implementation hearing pursuant to section 366.26. Neither petitioner filed a proof of service. This court notified the Department of the writ petitions, and extended the time for the Department to file a response to the petitions to March 10, 2019. The Department filed a letter brief responding to the petitions on March 1, 2019.

II. DISCUSSION

The parents' writ petitions request that the juvenile court's order setting a selection and implementation hearing pursuant to section 366.26 be vacated, reunification services be continued, custody of L.G. be returned to petitioners, and the dependency be terminated.

The Department contends that we should dismiss the petitions because they do not comply with the procedural requirements of California Rules of Court, Rule 8.452. A writ petition seeking review of a juvenile court's order setting a hearing under section 366.26 must include a summary of the grounds of the petition. (Cal. Rules of Court, Rule 8.452(a)(1)(D).) In addition, the petition must be accompanied by a memorandum that provides a summary of the significant facts, limited to matters in the record. (Cal. Rules of Court, Rule 8.452(a)(2) & (b)(1).) "The memorandum must state

each point under a separate heading or subheading summarizing the point and support each point by argument and citation of authority.” (Cal. Rules of Court, Rule 8.452(b)(2).) “The memorandum must support any reference to a matter in the record by a citation to the record. The memorandum should explain the significance of any cited portion of the record and note any disputed aspects of the record.” (Cal. Rules of Court, Rule 8.452(b)(3).) Finally, “[t]he petition must be served and filed within 10 days after the record is filed in the reviewing court.” (Cal. Rules of Court, Rule 8.452(c)(1).)

Here, the petitions do not contain sufficient information for meaningful review by this court. Other than checked boxes requesting specific remedies, such as vacating the order setting the section 366.26 hearing and terminating the dependency, the petitions do not state any factual or legal argument supporting grounds for the relief. The petitions do not include memoranda, do not reference any fact from the record, and fail to state any argument as to why the writ petitions should be granted.

While a writ petition “must be liberally construed,” (Cal. Rules of Court, Rule 8.452(a)(1)), a reviewing court may summarily deny a petition that is procedurally defective. (See *Anthony D. v. Superior Court* (1998) 63 Cal.App.4th 149, 157.) Here, the writ petitions state no basis upon which the parents are entitled to their requested relief.

III. DISPOSITION

The petitions for extraordinary writ are denied.

Greenwood, P.J.

WE CONCUR:

Premo, J.

Elia, J.

B.C., et al. v. Superior Court
No. H046573